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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,886	08/10/2006	Roger Payn	TOPT0102PUSA	7417
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EXAMINER WOZNIAK, JAMES S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,886

Applicant(s)

PAYN, ROGER

Examiner

JAMES S. WOZNIAK

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the office action from 10/9/2009, the applicant has submitted an amendment, filed 3/8/2010, amending independent claims 1 and 6, while arguing to traverse the art rejection based on the limitation regarding a first and second side of a display opposed from one another (*Amendment, Page 7*). Applicant's arguments have been fully considered, however the previous rejection is maintained due to the reasons listed below in the response to arguments.
2. In response to the present claim amendments (*Amendment, Page 6*), the examiner has withdrawn the previous claim objections directed towards minor informalities.
3. In response to the section headings added to the specification (*Amendment, Page 6*), the examiner has withdrawn the previous objection to the specification.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to **Claim 1**, the applicant argues that the combined teachings of Fraser (*U.S. PG Publication: 2004/0172236 A1*) and Sukeda et al (*U.S. Patent: 5,854,997*) fail to teach their

claimed "two-sided visual display facility having a first poised from the first side" (*it is believed that "poised" should read --opposed- based on the proceeding arguments*), which they allege that claim 1 has been amended to include (Amendment, Page 7). In support of this position, the applicant alleges that Sukeda only teaches inverted displays set up side-by-side and also argue that Fraser does not provide any reason to include a two-sided display (*Amendment, Page 7*).

In response, the examiner first notes that the features upon which applicant relies (*i.e., displays opposed to one another*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Secondly the examiner notes that the translation aid device taught by Sukeda does teach "opposing" sides as the displays are features on opposite ends of the device, in opposite direction, and the device can be folded at its hinge so that a person speaking a first language on one side of the device can have a conversation with a person speaking in a second language on the other side (*Fig. 1 and Col. 3, Line 51- Col. 4, Line 16*). Thus, even if such a limitation were recited in claim 1, it would be anticipated by the teachings of Sukeda. Lastly, in regards to the argument that Fraser does not provide a reason to incorporate a two-sided display (*i.e., Fraser lacks motivation for incorporating the teachings of Sukeda*), the examiner notes that the motivation for combining the prior art of record is provided by the Sukeda reference. Sukeda explains that the use of two opposed displays better enables uninterrupted thinking of individuals so they can achieve a smoother conversation (*Col. 2, Lines 41-46*). Thus, the combination of the two references has motivation and is proper. Accordingly, this argument has been fully considered, but is not convincing.

The applicant next argues that, similar to claim 1, the prior art combination of Fraser and Sukeda fails to teach two opposing display sides set forth in amended claim 6 (*Amendment, Page 7*). In this case, claim 6 does include the limitation regarding "the sides opposing one another", but notes that this limitation is taught by Sukeda for the previously explained reasons. Thus, this argument has been fully considered, but is not convincing.

The applicant subsequently directs their arguments towards claim 3. The applicant's beginning traversal of this claim is similar to claim 1, which has already been addressed above. The applicant then continues to argue that their claim 3 recites the dual sided display in the form of a card. They argue that Jacobs (*U.S. Patent: 4,311,465*) teaches "the use of two cards to translate between a first language and a second language" and thus fails to teach their invention defined in claim 3 (*Amendment, Pages 8-9*).

In response, the examiner notes that Jacobs' specific card configuration is not relied upon in rejecting the applicant's invention defined in claim 3. More specifically, Jacob is only relied upon to teach that a dual-sided card can be utilized as a way to display translation information (Col. 3, Line 42- Col. 4, Line 4). It is the teachings of Fraser and Sukeda that teach the actual information held on each side. In response to these arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Based on the preceding reasons, the applicant's arguments directed towards claim 3 have been fully considered, but are not convincing.

The art rejections of the further dependent claims are traversed for reasons similar to claim 1 (*Amendment, Pages 7 and 9-10*). In regards to such arguments, see the response directed towards claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2 and 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser (*U.S. PG Publication: 2004/0172236 A1*) in view of Sukeda et al (*U.S. Patent: 5,854,997*).

With respect to **Claim 1**, Fraser discloses:

A communication aid for communicating from a first language L1 to a second language L2 (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019*), comprising a database of possible messages to be communicated (*message database, Paragraph 0068*), each message being recorded in a first language L1, a second language L2 and a phonetic equivalent of the second language (*database has a first language, second languages, and phonetic equivalents, Paragraph 0068 and Fig. 6g*); and

A visual display facility displaying a selected message from the database and in the first language L1 and phonetically in a second language L2 on a first side (*display shows text of a first language user and a phonetic equivalent of text in a language of a second user, Paragraphs 0058-0059 and 0068*).

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display for communication, wherein a second language is displayed on a second side of the two-sided display. Sukeda, however, recites a language communication device feature two display sides (*Fig. 1*), wherein a first side shows a first language and a second side shows a second language text equivalent (*Col. 2, Lines 25-46; Col. 4, Lines 1-16; and Col. 5, Lines 23-33*).

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

With respect to **Claim 2**, Fraser further discloses:

An electronic memory having three different parts for storing phrases or words respectively in the first language L1, phonetically in the second language [["L"]] L2 and in the second language L2, and means defining an association between an address in each of the three parts (*electronic system database having first language, second languages, and phonetic*

equivalents that associates various languages which are also linked with their phonetic equivalents, Paragraph 0068).

With respect to **Claim 5**, Sukeda further discloses:

The visual display facility is hand-held and carries two messages simultaneously, with one message being inverted relative to the other and the messages being displayed at opposite ends of the display (*hand held device that carries two messages simultaneously, which are inverted and displayed at opposite ends of the display, Fig. 1*).

With respect to **Claim 6**, Fraser discloses:

A communication aid characterized by: a display device for displaying information to two people (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019; having a display, Paragraphs 0047 and 0063 and Fig. 1, Element 104*);

A database of information partitioned into three parts (a), (c) and (b) parts (a) and (b) containing information appropriate to the respective aforesaid people (*database having data sections related to a first and second language for speakers thereof and associated phonetic equivalents, Paragraph 0068*); means linking each element of information in part (a) with an element of information in part (b) and an element in part (c) (*database associations/indexing between languages and phonetic equivalents, Paragraph 0068*); and means for displaying a selected element of information from part (a) with the associated element from part (c) the display device (*text in a first language and a phonetic equivalent of a second language translation is displayed to a first speaker, Paragraph 0063*). Frasier also teaches that the

device's database includes phrases in the first language, second language, and phonetic equivalents thereof (*Paragraphs 0063-0064 and 0068*).

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display for communication, wherein a second language is displayed on a second and opposite side of the two-sided display. Sukeda, however, recites a language communication device feature two opposite display sides (*Fig. 1; and Col. 3, Line 51- Col. 4, Line 16*), wherein a first side shows a first language and a second side shows a second language text equivalent (*Col. 2, Lines 25-46; Col. 4, Lines 1-16; and Col. 5, Lines 23-33*).

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

7. **Claims 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al and further in view of Jacobs (*U.S. Patent: 4,311,465*).

With respect to **Claim 3**, Fraser in view of Sukeda discloses the language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Fraser in view of Sukeda does not specifically suggest system implementation using cards, however, Jacobs shows dual-sided cards for translation (*Fig. 8; and Col. 3, Line 42- Col. 4, Line 4*).

Fraser, Sukeda, and Jacobs are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda with the card implementation taught by Jacobs in order to provide a more physically simple translation device (*Jacobs, Col. 1, Lines 59-65*).

Claim 11 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

8. **Claims 4, 10, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al in view of Jacobs and further in view of Mestre (*U.S. Patent: 6,999,915*).

With respect to **Claim 4**, Fraser in view of Sukeda and further in view of Jacobs discloses the card-based language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Jacobs does not specifically suggest that a card sheet carries a greeting in a foreign language, however, Mestre discloses that a translation sheet carries a greeting heading in a foreign language (*Fig. 1, Element 110A; and Col. 6, Lines 14-20*).

Fraser, Sukeda, Jacobs, and Mestre are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda and further in view of Jacobs with the greeting taught by Mestre in order to

provide an arrangement that introduces following language communications (*Mestre, Col. 6, Lines 14-20*).

Claim 10 recites subject matter similar to claim 4, and thus, is rejected under similar rationale.

Claim 12 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See PTO-892.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached at (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
Primary Examiner, Art Unit 2626